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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,057

04/14/2004

Michael C. Van Zandt

03-334-A

8007

20306

7590

04/28/2008

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EXAMINER

BARKER, MICHAEL P

ART UNIT

PAPER NUMBER

1626

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,057	Applicant(s) VAN ZANDT ET AL.	
	Examiner MICHAEL P. BARKER	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/24/2008, Amd. After Non-Fin.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 9, 13-19 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

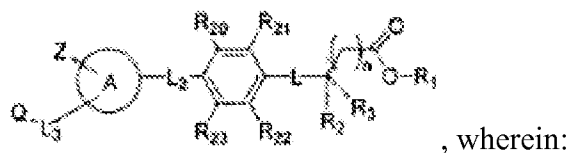
- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION**Claims 1-22** are pending in this Application.***Response to Remarks***

Applicant's amendments to **Claims 1-4, 6-9, 11, 12, 14-16, 18, 19, and 22** in the reply filed 01/24/2008 are acknowledged. Applicant's amendments were made pursuant to the Restriction Requirement of claims to a particular scope. The prosecution of any of the deleted subject matter may be pursued in a Divisional Application. The Restriction Requirement is deemed proper and made final.

Applicant has not amended the definitions of **L** and **Z** to conform with the scope of compounds set forth in the Office Action filed 10/24/2007:



- **L** is $-\text{SO}_2\text{NH}-$ or $\text{SO}_2\text{N}(\text{C}_1\text{-C}_4)\text{alkyl}$;
- **L₂** is a bond;
- **L₃** is a bond;
- **A** is as defined, except phenyl or naphthyl;
- **Q** is as defined, except $\text{C}_1\text{-C}_6$ alkyl, halogen, haloalkoxy, or alkoxycarbonyl; and
- **Z** is phenyl.

The remaining subject matter, not drawn to the scope of compounds set out above, is withdrawn from further consideration.

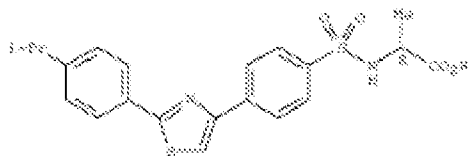
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Claim Rejections**102(b)**

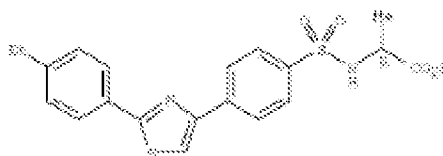
the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-12, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Publication No. WO 01/83461 A1, published 11/08/2001, which discloses the following compounds [from STN CAPLUS (Accession Number 2001:916648 CAPLUS), with registry number]:

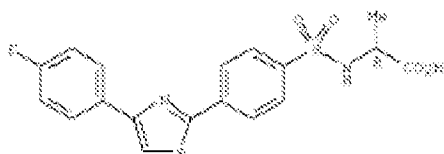
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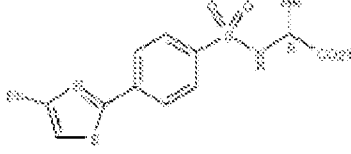
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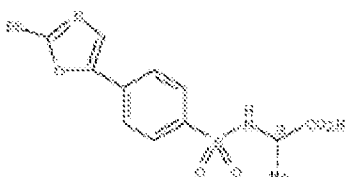
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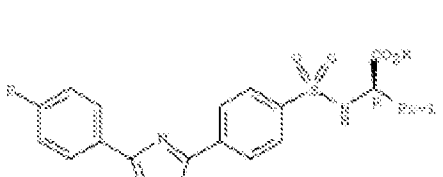
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XX 370097-55-0 CAPLUS

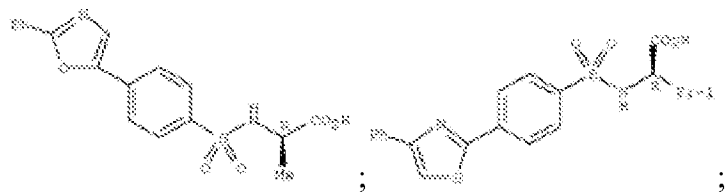


XX 370097-09-4 CAPLUS



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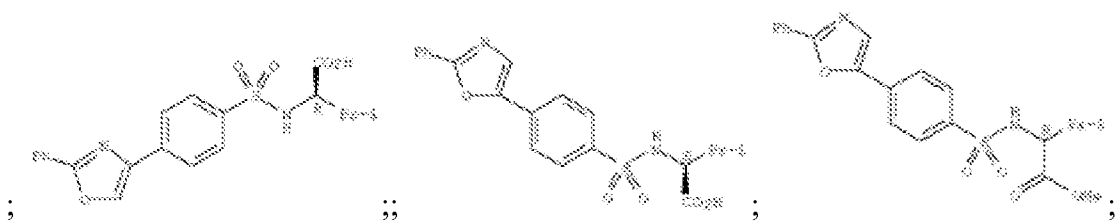
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RN 370597-03-1 CAPLUS

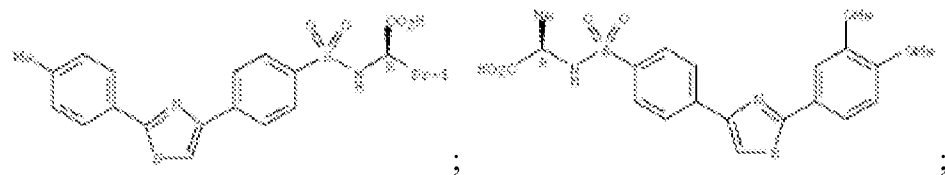
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RN 370597-01-6 CAPLUS



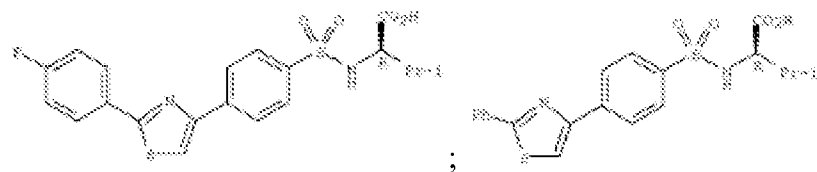
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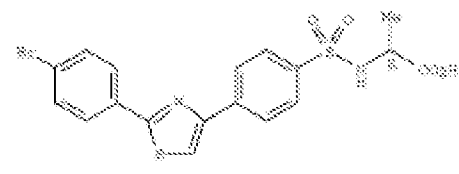


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RN 370597-03-4 CAPLUS



RN 370597-71-0 CAPLUS



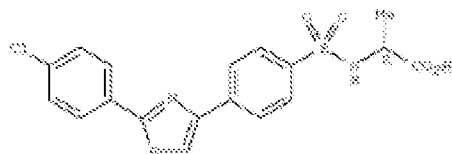
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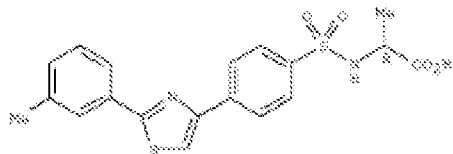
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RN 370597-69-6

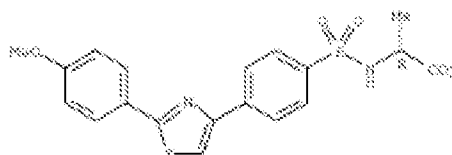
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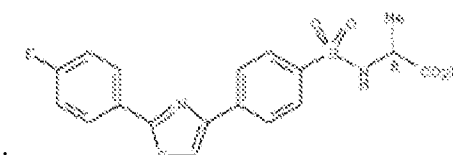
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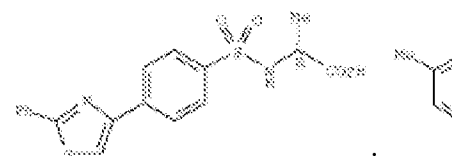
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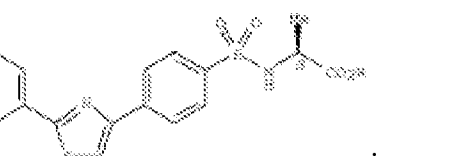
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RN 370597-66-2 CAPLUS



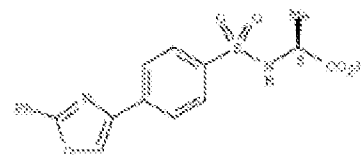
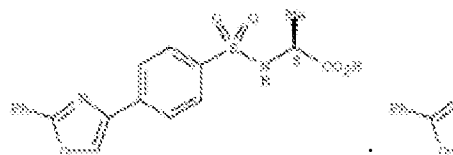
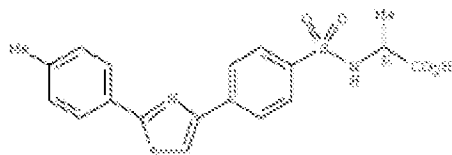
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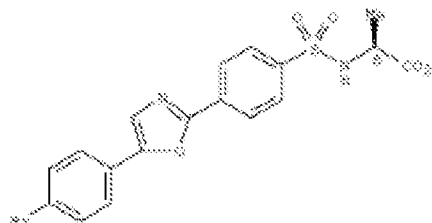
RN 370597-62-1 CAPLUS




Claims 1-8, 10-12, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Publication No. WO 2002028844 A1, published 04/10/2002 (equivalent: U.S. Patent

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*** 10/20/2016 10:44 AM ***



No. 6,949,566). The anticipating compounds, i.e. , are too numerous to list individually.

Objections

- **Claim 1**, p. 3, lines 25-27: The term “naphthyl” is deleted in line 25 but omitted included in line 27.
- **Claims 1-22**: Objected to as they are drawn to nonelected subject matter. These claims stand or fall based on the amendments made to **Claim 1**.
- **Claims 9, 13-19, and 22**: Objected to as they depend from a rejected base claim.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Barker whose telephone number is (571) 272-4341. The examiner can normally be reached on Monday-Friday 8:00 AM- 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699. The unofficial fax phone for this group are (571) 273-8300.

/Michael P Barker/
Examiner, Art Unit 1626
/Rebecca L Anderson/
Primary Examiner, Art Unit 1626